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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

LINDA KINCHERLOW, an individual,

Plaintiff,

vs.

LM GENERAL INSURANCE COMPANY,  
an insurance company; DOES 1 through 10;  
ROE CORPORATIONS 11 through 20; and  
ABC LIMITED LIABILITY COMPANIES  
21 through 30,

Defendants.

CASE NO: 2:21-cv-01369-JCM-NJK

**STIPULATION AND ~~PROPOSED~~**  
**ORDER TO EXTEND DISCOVERY**  
**DEADLINES**

**(FIRST REQUEST)**

Plaintiff, LINDA KINCHERLOW, by and through her counsel of record, Brian D. Nettles, Esq., Christian M. Morris, Esq., and Victoria R. Allen, Esq. of the law offices of NETTLES | MORRIS, and Defendant, LM GENERAL INSURANCE COMPANY, by and through its counsel of record, Andrew C. Green, Esq. and Iva K. Todorova, Esq. of the law office of KOELLER NEBEKER CARLSON & HALUCK, LLP, hereby stipulate to the extension of discovery deadlines by ninety (90) days pursuant to LR 26-4.

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### **STIPULATED APPLICATION**

WHEREAS, the parties have conducted extensive discovery but still have substantial discovery to complete before they will be ready for trial. At present, the parties are actively engaged in scheduling mediation; a process complicated by the availability of potential neutrals to conduct mediation, scheduling conflicts between the Parties, and challenges encountered during the ongoing COVID-19 pandemic. The Parties prefer to participate in mediation prior to the initial expert deadline, currently set for February 17, 2022, in order to minimize costs related to experts. In order for the Parties to schedule and participate in mediation prior to the initial expert deadline, the Parties respectfully request a ninety (90) day extension of all remaining discovery deadlines as set forth below. The Parties are not seeking to reopen the deadline to amend pleadings and add parties which expired on January 18, 2022.

#### **A. DISCOVERY COMPLETED TO DATE**

1. Defendants Liberty Mutual Auto and Homes Services, d/b/a Liberty Mutual Insurance and Liberty Mutual Insurance Company served their pre-discovery disclosures pursuant to FRCP 26.1(a)(1) on August 6, 2021.
2. The Parties participated in the FRCP 26(f) conference on August 23, 2021.
3. Plaintiff made her Initial disclosures pursuant to FRCP 26.1(a)(1) on August 26, 2021.
4. Plaintiff served her First Supplement to FRCP 26.1(a)(1) Disclosures on September 1, 2021.
5. Plaintiff served her Second Supplement to FRCP 26.1(a)(1) Disclosures on September 8, 2021.
6. Defendants Liberty Mutual Auto and Homes Services, d/b/a Liberty Mutual Insurance and Liberty Mutual Insurance Company served their First Supplement to FRCP 26.1(a)(1) Disclosures on October 4, 2021.
7. Plaintiff propounded her First Sets of Requests for Admission, Requests for Production, and Interrogatories to Defendants Liberty Mutual Auto and Homes Services, d/b/a Liberty Mutual Insurance and Liberty Mutual Insurance Company on October 18, 2021.

8. Defendants Liberty Mutual Auto and Homes Services, d/b/a Liberty Mutual Insurance and Liberty Mutual Insurance Company responded to Plaintiff's First Sets of Requests for Admission, Requests for Production, and Interrogatories on November 17, 2021.

9. Defendants Liberty Mutual Auto and Homes Services, d/b/a Liberty Mutual Insurance and Liberty Mutual Insurance Company served their Second Supplement to FRCP 26.1(a)(1) Disclosures on November 17, 2021.

10. On January 10, 2022, the Parties' Stipulation and Order to Substitute Defendants, Dismiss Defendants, and to Amend the Case Caption was Granted. ECF 12.

11. On January 31, 2022, Plaintiff filed her First Amended Complaint. ECF 13.

12. Defendant has subpoenaed records from twenty-seven (27) medical providers and produced approximately 2,946 pages of medical records.

#### **B. SPECIFIC DESCRIPTION OF THE DISCOVERY TO BE COMPLETED**

The Parties are actively engaged in efforts to schedule and participate in mediation prior to the initial expert deadline, currently set for February 17, 2022. However, the parties require additional time to schedule mediation; a process complicated by the availability of potential neutrals to conduct mediation, scheduling conflicts between the Parties, and challenges encountered during the ongoing COVID-19 pandemic, as set forth above. Additional written discovery, designation of expert and rebuttal witnesses, depositions of the Parties and expert witnesses, and any other discovery the Parties deem necessary also remains to be completed.

#### **C. REASONS FOR EXTENSION TO COMPLETE DISCOVERY**

"A motion or stipulation to extend a discovery deadline . . . must include: (a) A statement specifying the discovery completed; (b) A specific description of the discovery that remains to be completed; (c) The reasons why the deadline was not satisfied or the remaining discovery was not completed within the time limits set by the discovery plan; and (d) A proposed schedule for completing all remaining discovery." LR 26-3.

Accordingly, the parties believe a ninety (90) day extension of all remaining discovery deadlines, as set forth in Section D below, is warranted and prudent. This request is made in good faith and not for the purpose of delay.

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**D. PROPOSED NEW DISCOVERY DEADLINES**

Last date to complete discovery:

Currently: *April 18, 2022*

Proposed: *July 18, 2022*

Last date to amend pleadings and add parties:

Currently: *January 18, 2022*

Proposed: CLOSED. The parties are *not* seeking to reopen this deadline.

Last date to disclose experts:

Currently: *February 17, 2022*

Proposed: *May 18, 2022*

Last date to disclose rebuttal experts:

Currently: *March 21, 2022*

Proposed: *June 20, 2022*

Last date to file dispositive motions:

Currently: *May 18, 2022*

Proposed: *August 16, 2022*

Last date to file joint pretrial order:

Currently: *June 17, 2022*

Proposed: *September 15, 2022*

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**CONCLUSION**

Therefore, based upon the foregoing, the parties respectfully request that this Stipulation to Extend Discovery Deadlines (First Request) be granted and that the Court adopt the proposed dates set forth in Section D above.

DATED this 8<sup>th</sup> day of February, 2022.

NETTLES | MORRIS

/s/ Victoria R. Allen, Esq.  
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DATED this 8<sup>th</sup> day of February, 2022.

KOELLER NEBEKER CARLSON HALUCK  
LLP

/s/ Iva K. Todorova, Esq.  
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300 South Fourth Street, Suite 500  
Las Vegas, Nevada 89101  
*Attorneys for Defendant*

**ORDER**

**IT IS SO ORDERED.**

DATED February 9, 2022.

  
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United States Magistrate Judge

*Respectfully submitted by:*

NETTLES | MORRIS

/s/ Victoria R. Allen, Esq.  
VICTORIA R. ALLEN, ESQ.  
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